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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,717	12/19/2001	David J. Doddek	01-575	8006
719	7590	10/17/2005	EXAMINER	
CATERPILLAR INC. 100 N.E. ADAMS STREET PATENT DEPT. PEORIA, IL 616296490			BHAT, ADITYA S	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/025,717	DODDEK ET AL.	
	Examiner	Art Unit	
	Aditya S. Bhat	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/18/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Lowery et al. (USPN 6,611,740).

With regard to Claim 1, Lowery et al. (USPN 6,611,740) teaches a method for analyzing machine data, the machine data representing at least one condition of a machine, comprising the steps of:

storing said machine data in a data system; (Col. 2, lines 12-14)

defining a first testing procedure from a plurality of pre-defined owner input each associated with one or more diagnostic processes, wherein at least one of the owner inputs is associated with one or more diagnostic processes that are different from the one or more diagnostic processes with which at least one of the other owner inputs is associated; (Col.5-6, lines 64-67 & 1-5)

processing said machine data based on said testing procedure to determine a machine exception; and (Col. 4, lines 44-46)

generating a notification in the event of a machine exception. (Col.8, lines 45-49)

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With regard to Claim 2, Lowery et al. (USPN 6,611,740) teaches selecting a test and defined parameters for said test. (Col.5-6, lines 64-67 & 1-5)

With regard to Claim 3, Lowery et al. (USPN 6,611,740) teaches notification is relayed to a notification device. (62;figure 5)

With regard to Claim 4, and 13 Lowery et al. (USPN 6,611,740) teaches notification device is a hand held communications device. (Col.3, lines 55-60)

With regard to Claim 5, Lowery et al. (USPN 6,611,740) teaches procedure is run on a sequencer. (Col. 8-9, lines 65-67 & 1-5)

With regard to Claim 6, Lowery et al. (USPN 6,611,740) teaches storing said machine data on said machine in packets; and transferring said packets via a communications network to said data system. (24; See figure 2)

With regard to Claim 7, Lowery et al. (USPN 6,611,740) teaches streaming said machine data from said machine to said data system via a communications network. (7; See figure 1)(4; figure 3)

With regard to Claim 8, Lowery et al. (USPN 6,611,740) teaches a system for analyzing machine data, the machine data representing at least one condition of a machine, comprising:

a data system configured to store machine data; (Col. 2, lines 12-14)

an owner input device configured to accept a plurality of different owner inputs, each associated with one or more diagnostic processes, wherein at least one of the owner inputs is associated with one or more diagnostic processes that are different from

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the one or more diagnostic processes with which at least one of the owner inputs is associated; (Col.5-6, lines 64-67 & 1-5) and

an analyzer configured to accept a procedure selected by an owner, from said plurality of owner inputs, said analyzer configured to process said machine data based upon said procedure to determine a machine exception and generate a notification in the event of a machine exception (Col. 4, lines 44-46) and

generating a notification in the event of said machine exception. (Col.8, lines 45-49)

With regard to Claim 9 and 22, Lowery et al. (USPN 6,611,740) teaches a communications network for relaying said machine data from said machine to said data system. (4,7; see figure 1)

With regard to Claim 10, Lowery et al. (USPN 6,611,740) teaches a communications network comprises wireless communication means. (4;See figure 1)

With regard to Claim 11, Lowery et al. (USPN 6,611,740) teaches a procedure comprises a test selected by said owner and at least one parameter defined by said owner and associated with said test. (Col.5-6, lines 64-67 & 1-5)

With regard to Claim 12, Lowery et al. (USPN 6,611,740) teaches a notification device for receiving said notification via said communications network. (figure 3)

With regard to Claim 14, Lowery et al. (USPN 6,611,740) teaches a method for analyzing machine data, the machine data representing at least one condition of a machine, comprising the steps of:

storing said machine data in a data system; (Col. 2, lines 12-14)

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defining at least one testing procedure by selecting from a plurality of owner inputs, each associated with one or more diagnostic processes to be associated with said machine data, wherein at least one of the owner inputs is associated with one or more diagnostic processes that are different from the one or more diagnostic processes with which at least one of the owner inputs is associated; (Col.5-6, lines 64-67 & 1-5)

processing said machine data based upon said procedure; (Col.5-6, lines 64-67 & 1-5)

determining a machine exception from said procedure; (Col. 4, lines 44-46) and generating a report in the event of said machine exception. (figure 6 a-c)

With regard to Claim 15 Lowery et al. (USPN 6,611,740) teaches selecting at least one test to be associated with said machine data; defining at least one parameter associated with said test; and wherein said processing step includes running said tests in relation to said machine data. (Col.5-6, lines 64-67 & 1-5)

With regard to Claim 16 Lowery et al. (USPN 6,611,740) teaches an analyzer based upon said procedure, which is defined by said owner, performs processing step. (Col.5-6, lines 64-67 & 1-5)

With regard to Claim 17, Lowery et al. (USPN 6,611,740) teaches a system for analyzing machine data, the machine data representing at least one condition of a machine, comprising:

a data system configured to store machine data; (Col. 2, lines 12-14) and

an owner input device configured to accept a plurality of different owner inputs, each associated with one or more diagnostic processes, wherein at least one of the

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owner inputs is associated with one or more diagnostic processes that are different from the one or more diagnostic processes with which at least one of the owner inputs is associated; (Col.5-6, lines 64-67 & 1-5) and

an analyzer configured to accept a procedure selected by an owner, from said plurality of owner inputs, said analyzer configured to process said machine data based upon said procedure to determine a machine exception (Col. 4, lines 44-46) and generate a notification in the event of a machine exception (Col.8, lines 45-49) and

said analyzer generating a report in the event of said machine exception. (figure 6 a-c)

With regard to Claim 18, Lowery et al. (USPN 6,611,740) teaches: a communications network for relaying said machine data from said machine to said data system. (4,7;see figure 1)

With regard to Claim 19, Lowery et al. (USPN 6,611,740) teaches wherein said procedure is comprised of at least one test selected by said owner, said test having at least one associated parameter defined by said owner. (Col.5-6, lines 64-67 & 1-5)

With regard to Claim 20, Lowery et al. (USPN 6,611,740) teaches a method for providing an exception-based report, said report based on machine data representing at least one condition of a machine, comprising the steps of:

analyzing one or more sets of machine data based on prior input by an owner selecting a testing procedure for generating said one or more sets of machine data, wherein the prior input includes defining a testing procedure by selecting from a plurality of predefined each associated with one or more diagnostic processes, wherein at least

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one of the owner inputs is associated with one or more diagnostic processes that are different from the one or more diagnostic processes with which at least one of the owner inputs is associated; (Col.5-6, lines 64-67 & 1-5)

checking for machine exceptions in said machine data; and (figure 6a-c)

generating a report in the event of said machine exception. (figure 6a-c)

With regard to Claim 21, Lowery et al. (USPN 6,611,740) teaches an exception alert and wherein said alert is relayed to a notification device. (figures 6a-c)

With regard to Claim 23, Lowery et al. (USPN 6,611,740) teaches system for providing an exception-based report, said report based on machine data representing at least one condition of a machine, comprising:

an owner input device configured to accept a plurality of different owner inputs, each associated with one or more diagnostic processes, wherein at least one of the owner inputs is associated with one or more diagnostic processes that are different from the one or more diagnostic processes with which at least one of the owner inputs is associated; (Col.5-6, lines 64-67 & 1-5) and

an analyzer configured to process one or more distinct sets of machine data based upon prior selection of at least one of said plurality of different owner inputs by an owner, (Col. 4, lines 44-46) (Col.5-6, lines 64-67 & 1-5)

said analyzer configured to check for machine exception in said machine data, (Col. 4, lines 44-46)

said analyzer configured to generate a report in the event of a machine exception; (figure 6a-c) and a notification device for receiving said report. (figure 6a-c)

With regard to Claim 24, Lowery et al. (USPN 6,611,740) teaches report comprises an exception alert and wherein said notification device is a portable communications device. (Col.3, lines 55-60)

With regard to Claim 25, Lowery et al. (USPN 6,611,740) teaches a communications network for wirelessly relaying said report to said notification device. (4; figure 1)

With regard to Claim 26, Lowery et al. (USPN 6,611,740) teaches a data system for storing said machine data; (Col. 2, lines 12-14) and wherein said communications device relays said machine data from said machine to said data system. (See figure 1)

With regard to Claim 27, Lowery et al. (USPN 6,611,740) teaches determining a second testing procedure based on results of the first testing procedure; processing said machine data based on said second testing procedure to determine a machine exception (Col.5-6, lines 64-67 & 1-5)

generating a notification in the event of a machine exception (figure 6a-c)

Response to Amendment

Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schricker et al. (USPN 5,737,215) teaches a method and apparatus for comparing machines in fleet, Adachi et al. (USPN 6,810,362) teaches construction machine managing method and system and arithmetic processing device,

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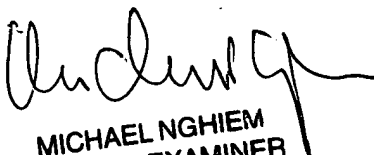
Fera et al. (USPN 6,338,152) teaches a method and system for remotely managing communication of data used for predicting malfunctions in a plurality of machines, Lang et al. (USPN 6,295,492) teaches a system for transmitting and displaying multiple, motor vehicle information, Abe (USPN 5,758,300) teaches a diagnosis system for motor vehicles and the method thereof, Crane (USPN 5,450,321) teaches a interactive dynamic real time management system for powered vehicles and Juhasz et al. (USPN 4,258,421) teaches a vehicle monitoring and recording system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S Bhat whose telephone number is 703-308-0332. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Aditya S. Bhat
October 11, 2005


MICHAEL NGHIEM
PRIMARY EXAMINER